

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 6/22/2024
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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VIAHART, LLC,	:	
	:	
Plaintiff,	:	1:20-cv-9943-GHW
	:	
-v-	:	<u>ORDER</u>
	:	
CREATIVE KIDS ONLINE, LLC, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	
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GREGORY H. WOODS, United States District Judge:		

On June 21, 2024, Defendants submitted a proposed supplement to the joint summary of the law to be presented to the jury at the beginning of trial. Dkt. No. 258. Defendants' submission is deficient.

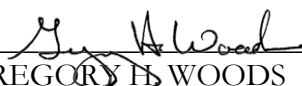
The Court has already detailed Defendants' failure to timely submit a description of their counterclaims as part of the parties' joint proposed description of the law. *See* Dkt. No. 257. Defendants' untimely June 21, 2024 submission of a proposed supplement purporting to describe the law of Defendants' counterclaims is woefully inadequate and requires yet another attempt by the Court to obtain Defendants' description of the law that governs their counterclaims. As an illustrative example, Defendants' proposed supplement appears to represent that all that the jury must determine for Defendants' defamation claim is whether the allegedly defamatory statements at issue "were true." Dkt. No. 258 at 1. Defendants fail to provide the elements of a defamation claim, and in any case, defamation does not simply require a determination of whether a statement was true or false. Defendants' proposed description of the law as to Defendants' counterclaims is both deficient and incorrect.

Defendants are directed to submit a revised proposed supplement to the summary of the law to be presented to the jury forthwith and in any event no later than June 24, 2024. The revised

supplement must reflect Defendants' good faith understanding of the law that the jury must apply to determine Defendants' counterclaims at trial. Failure to timely submit a revised supplement may result in the imposition of sanctions.

SO ORDERED.

Dated: June 22, 2024
New York, New York



GREGORY H. WOODS
United States District Judge